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**COMBINED DECLARATION AND  
POWER OF ATTORNEY  
IN ORIGINAL APPLICATION**

Attorney Docket No.

M297.12-0148

**SPECIFICATION AND INVENTORSHIP IDENTIFICATION**

As a below named inventors, we declare that:

Our residence, post office address and citizenship are as stated below next to our name.

We believe we are the original, first and joint inventor of the subject matter which is claimed, and for which a patent is sought, on the invention entitled IMPROVED ATTACHMENT CONTROL DEVICE the specification of which,

(check one)        is attached hereto.

X was filed on February 1, 2000 as Appln. Serial No. 09/495,729 .

       and was amended on .

       was described and claimed in PCT International Application No. filed on and as amended under PCT Article 19 on .

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is known to us to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

**PRIORITY CLAIM (35 USC § 119)**

We claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
<u>      </u>	<u>      </u>	<u>      </u>	Yes <u>      </u> No <u>      </u>
<u>      </u>	<u>      </u>	<u>      </u>	Yes <u>      </u> No <u>      </u>

**PRIORITY CLAIM (35 USC § 120)**

We claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code § 112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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Patent. No.	U.S. Serial No. (if any under PCT)	Filing Date	Status
<u>5,425,431</u>			<u>Issued 6/20/95</u>
<u>5,577,876</u>			<u>Issued 11/26/96</u>
<u>6,030,169</u>	<u>09/130,986</u>	<u>08/07/98</u>	<u>Issued 2/26/00</u>

#### DECLARATION

We declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### POWER OF ATTORNEY

We appoint the following attorneys and agents to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation: Judson K. Champlin, Reg. No. 34,797; Joseph R. Kelly, Reg. No. 34,847; Nickolas E. Westman, Reg. No. 20,147; Steven M. Koehler, Reg. No. 36,188; David D. Brush, Reg. No. 34,557; John D. Veldhuis-Kroeze, Reg. No. 38,354; Deirdre Megley Kvale, Reg. No. 35,612; Theodore M. Magee, Reg. No. 39,758; Christopher R. Christenson, Reg. No. 42,413; Brian D. Kaul, Reg. No. 41,885; and Robert M. Angus, Reg. No. 24,383.

We ratify all prior actions taken by Westman, Champlin & Kelly, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

#### DESIGNATION OF CORRESPONDENCE ADDRESS

Please address all correspondence and telephone calls to Joseph R. Kelly in care of:

WESTMAN, CHAMPLIN & KELLY, P.A.  
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Minneapolis, Minnesota 55402-3319  
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Fax: (612) 334-3312

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Inventor:   
(Signature)

Date: 17 Oct 2001

Inventor: Scott R. Rossow  
(Printed Name)

Residence: Kindred, North Dakota Citizenship: U.S.A.

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Inventor: Kenneth A. Brandt  
(Signature)

Date: 6 Nov 2001

Inventor: Kenneth A. Brandt  
(Printed Name)

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Inventor: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

Inventor: Wally L. Kaczmarski  
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Inventor: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

Inventor: Kenneth A. Brandt  
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P.O. Address: 605 Date Avenue, Wyndmere, North Dakota 58081

Inventor: Wally L Kaczmarski  
(Signature)

Date: 17 Oct 01

Inventor: Wally L. Kaczmarski  
(Printed Name)

Residence: Lisbon, North Dakota Citizenship: USA

P.O. Address: 13381 Highway 27, Lisbon, ND 58054

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First Named  
Inventor : Scott R. Rossow et al.

Appln. No.: 09/495,729

Filed : February 1, 2000

For : IMPROVED ATTACHMENT CONTROL  
DEVICE

Docket No.: M297.12-0148

Group Art Unit: 2786

Examiner: ---

**STATEMENT AS TO WHEN APPLICANT BECAME AWARE OF ABANDONMENT  
AND DELAY IN DISCOVERING ABANDON STATUS**

Commissioner for Patents  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
SENT BY U.S. MAIL, FIRST CLASS, TO THE  
ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231, THIS

19<sup>th</sup> DAY OF November 2001  
*Joseph R. Kelly*  
PATENT ATTORNEY

Sir:

1. I, Joseph R. Kelly, am attorney of record in the above-identified matter.
2. I am licensed to practice before the U.S. Patent Office under Registration No. 34,847.
3. I am of the belief that, during a certain period of time, the Filing Receipt was being sent out by the Patent Office stapled on the front of the Notice to File Missing Parts. Because of that, we failed to docket a number of the Notices to file Missing Parts in our office because they were overlooked. To my knowledge, all of those failures to docket have been remedied except this one.
4. I have examined the present file, and it does appear that the Notice to File Missing Parts was stapled behind the Filing Receipt. Therefore, when we received the Notice to File Missing Parts and the Filing Receipt, the Filing Receipt

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was recorded and the document was placed in our file, but the Notice to File Missing Parts was inadvertently overlooked.

5. Applicant filed a number of documents, including a Preliminary Amendment and Information Disclosures Statements, and eventually filed a Status Inquiry in July of 2001. Applicant received a response to the Status Inquiry on July 16, 2001. At that time, Applicant began an investigation into the facts of this matter.

6. When it was determined that Applicant had indeed received the Notice to File Missing Parts, and had failed to docket that for response, Applicant immediately prepared the signature papers for execution by all of the inventors in this case. A short time later, Applicant learned that one of the primary inventors on this case had left the employ of Assignee. It took Applicant approximately one month to find the new address for that inventor, and it took approximately one-two additional months to obtain that inventors signature on the signature papers.

7. It is believed that Applicant has exercised due care and diligence in prosecuting the present application and, upon learning that the application became abandoned, has made diligent efforts to complete the filing of the application for revival.

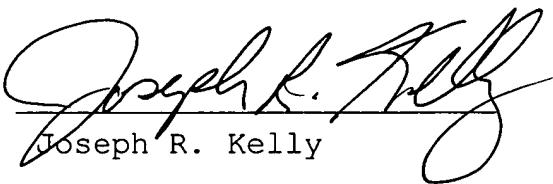
8. To date, Applicant has not received a Notice of Abandonment. Thus, Applicant respectfully requests that the Petition to Revive be granted.

9. I declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11-19-1

By:



A handwritten signature in black ink, appearing to read "Joseph R. Kelly".

Joseph R. Kelly

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